

1 Robert L. Rosenthal, State Bar #74975
2 Michael D. Zeff, State Bar #78685
3 ROSENTHAL, WITHEM & ZEFF
4 16027 Ventura Blvd., Suite 201
5 Encino, California 91436
6 (818) 789-7711

7 Attorney for Movant
8 Deutsche Bank National Trust Company, as
9 Trustee under Pooling and Servicing Agreement
10 dated as of March 1, 2007 Securitized Asset-
11 Backed Receivables LLC Trust 2007-BR1
12 Mortgage Pass-Through Certificates, Series
13 2007-BR1

14 UNITED STATES BANKRUPTCY COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SANTA ROSA DIVISION

17 In Re:

18 RALPH YULFO, JR. AND DENISE L. YULFO,

19 Debtor.

20) NOTICE OF MOTION FOR RELIEF FROM
21) AUTOMATIC STAY (UNLAWFUL
22) DETAINER)

23) CHAPTER 7 BANKRUPTCY NO.: 10-11764
24) DCN: MDZ-1

25) Date: 6/18/10
26) Time: 9:00 A.M.
27) Courtroom: N/A
28)

29 MOTION FOR RELIEF FROM AUTOMATIC STAY

In re RALPH YULFO, JR. AND DENISE L. YULFO	(SHORT TITLE)	CHAPTER: 13
Debtor(s).		CASE NO.: 10-11764

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR FOR ORDER CONFIRMING THAT THE
AUTOMATIC STAY DOES NOT APPLY
(Unlawful Detainer)**

(MOVANT: Deutsche Bank National Trust Company, as Trustee)

under Pooling and Servicing Agreement dated as of March 1, 2007 Securitized Asset-Backed Receivables, LLC
Trust 2007-BR1 Mortgage Pass-Through Certificates, Series 2007-BR1

1. **The Property at Issue:** Movant moves for relief from the automatic stay to obtain possession of the residential or nonresidential premises at the following address (the "Property"):

Street Address: 1550 Grenache Way
Apartment/Suite No.:
City, State, Zip Code: Santa Rosa, CA 95403

The Property is: ☒ Residential ☐ Nonresidential

2. **Case History:**

- a. ☒ A voluntary ☐ An involuntary petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☒ 13
was filed on (specify date): 5/11/10
- b. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13
was entered on (specify date):
- c. ☐ Plan was confirmed on (specify date):
- d. ☐ Other bankruptcy cases of the Debtor were pending within the year ending on the petition date. See attached Declaration.
- e. ☐ Other bankruptcy cases affecting this Property have been pending within the two years ending on the petition date. See attached Declaration.

3. **Grounds for Relief from Stay: (Check all that apply)**

- a. ☐ Pursuant to 11 U.S.C. § 362(d)(1), cause exists because, as of petition date, Debtor(s) had no right to continued occupancy of the premises, as follows:
- (1) ☐ An unlawful detainer judgment in favor of Movant was entered prepetition.
- A. ☐ The debtor has not filed with the petition and served on the Movant the certification required under 11 U.S.C. § 362(l)(1).
- B. ☐ The debtor or adult dependent of debtor has not deposited with the Clerk any rent that would become due during the 30-day period after the filing of the petition.
- C. ☐ The debtor or adult dependent of debtor has not filed and served on the Movant the further certification required under 11 U.S.C. § 362(l)(2) that the entire monetary default that gave rise to the judgment has been cured.
- D. ☐ The Movant has filed and served an objection to the certification referenced in (a)(1)(A) and/or (a)(1)(C) above. A copy of the objection is attached hereto as Exhibit _____. A hearing on this objection is set for: _____.
- (2) ☐ An unlawful detainer proceeding was commenced prepetition.
- (3) ☒ Movant acquired title to the premises by foreclosure sale prepetition and recorded the deed within the period provided by state law for perfection.
- (4) ☐ Movant acquired title to the premises by foreclosure sale postpetition and recorded the deed within the period provided by state law for perfection.
- (5) ☐ The lease or other right of occupancy expired by its terms prepetition.
- (6) ☐ The lease has been rejected or deemed rejected by operation of law.
- (7) ☐ Lease payments have not been made since the filing of the petition.

This form is mandatory by Order of the United States Bankruptcy Court for the Central District of California.

December 2009

F 4001-1M.UD

In re (SHORT TITLE)
RALPH YULFO, JR. AND DENISE L. YULFO

CHAPTER: 13

Debtor(s).

CASE NO.: 10-11764

- (8) ☐ An eviction action has been filed to obtain possession of the subject residential property on grounds of endangerment of the property or because of illegal use of controlled substances on the property and Movant has filed and served upon Debtor a certification that ☐ such an action was filed or ☐ that within the 30 days preceding the certification Debtor has endangered the subject property or illegally allowed the use of controlled substances on the property. A copy of Movant's certification is attached as Exhibit _____. Debtor ☐ has ☐ has not filed an objection to Movant's certification. A copy of Debtor's objection, if any, is attached as Exhibit _____. A hearing on this objection is set for: _____.
- b. ☒ Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor(s) has/have no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary to an effective reorganization.
- c. ☐ The bankruptcy case was filed in bad faith to delay, hinder or defraud Movant.
- (1) ☐ Movant is the only creditor or one of very few creditors listed on the master mailing matrix.
- (2) ☐ Other bankruptcy cases have been filed asserting an interest in the same property.
- (3) ☐ The Debtor(s) filed what is commonly referred to as a "face sheet" filing of only a few pages consisting of the Petition and a few other documents. No Schedules or Statement of Affairs (or Chapter 13 Plan, if appropriate) has been filed.
4. **Evidence in Support of Motion: (Important Note: Declaration(s) in support of the Motion MUST be attached hereto.)**
- ☒ Movant submits the attached Unlawful Detainer Declaration to provide evidence in support of this Motion pursuant to Local Bankruptcy Rules.
- ☐ Other Declaration(s) are also attached in support of this Motion.

WHEREFORE, Movant prays that this Court issue an Order granting the following (specify forms of relief requested):

1. ☒ Termination of the stay to allow Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to obtain possession of the Property.
2. ☐ Annulment of the stay so that the filing of the bankruptcy petition does not affect postpetition acts, as set forth in the attached Declaration(s).
3. ☐ An order confirming that the automatic stay does not apply.
4. ☐ Alternatively, if immediate relief from stay is not granted with respect to the Property because the Property is the subject of a lease that may be assumable:
- a. Establishment of a deadline for assumption or rejection of the lease.
- b. Adequate protection in the form of regular payments at the lease rate from petition date until assumption or rejection of the lease.

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In re RALPH YULFO, JR. AND DENISE L. YULFO	(SHORT TITLE)	Debtor(s).	CHAPTER: 13 CASE NO.: 10-11764
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5. Additional provisions requested:

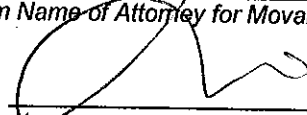
- a. ☒ That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- b. ☐ Termination or modification of the Co-debtor Stay of 11 U.S.C. § 1201 or § 1301 as to the above-named co-debtor, on the same terms and conditions.
- c. ☒ That the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3) be waived.
- d. ☐ That Extraordinary Relief be granted as set forth in the Attachment (*attach Optional Court Form F 4001-1M.ER*).
- e. ☐ For other relief requested, see attached continuation page.

Dated: 5/25/10

Respectfully submitted,

Deutsche Bank National Trust Company, as Trustee
Movant Name

ROSENTHAL, WITHEM & ZEFF
Firm Name of Attorney for Movant (if applicable)

By: 
Signature

Name: MICHAEL D. ZEFF, ESQ.
Typed Name of Individual Movant or Attorney for Movant

In re RALPH YULFO, JR. AND DENISE L. YULFO	(SHORT TITLE)	CHAPTER: 13
Debtor(s).		CASE NO.: 10-11764

UNLAWFUL DETAINER DECLARATION
(MOVANT: Deutsche Bank National Trust Company, as)

I, MICHAEL D. ZEFF, ESQ., declare as follows:
 (Print Name of Declarant)

1. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto. I am over 18 years of age. I have knowledge regarding Movant's interest in the residential or nonresidential real property that is the subject of this Motion ("Property") because:

- ☐ I am the Movant and owner of the Property.
- ☐ I manage the Property as the authorized agent for the Movant.
- ☐ I am employed by Movant as (state title and capacity):
- ☒ Other (specify): I am the eviction Attorney for Movant.

2. I am one of the custodians of the books, records and files of Movant as to those books, records and files that pertain to the rental of this Property. I have personally worked on books, records and files, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge of them from the business records of Movant on behalf of Movant, which were made at or about the time of the events recorded, and which are maintained in the ordinary course of Movant's business at or near the time of the acts, conditions or events to which they relate. Any such document was prepared in the ordinary course of business of Movant by a person who had personal knowledge of the event being recorded and had or has a business duty to record accurately such event. The business records are available for inspection and copies can be submitted to the Court if required.

3. The address of the Property that is the subject of this Motion is:

Street Address: 1550 Grenache Way
 Apartment/Suite No.:
 City, State, Zip Code: Santa Rosa, CA 95403

4. Movant is the legal owner of the Property, or the owner's legally authorized agent. A true and correct copy of the Trustee's Deed upon Sale, lease, rental agreement, or other document evidencing Movant's interest in the Property is attached as Exhibit A. A true and correct copy of any applicable document establishing Movant's authority as agent for the owner is attached as Exhibit .

5. The Property is: ☒ residential property ☐ nonresidential property

a. Debtor(s) occupies the Property

- ☐ on a month-to-month tenancy ☐ pursuant to a lease that is in default
- ☒ after a foreclosure sale on: 5/3/10 ☐ other (specify):

b. ☐ Debtor(s) has/have failed to pay the monthly rent of \$ _____ since the following date (specify date):

c. ☐ In addition, Debtor(s) has/have failed to pay other obligations under the lease, including the following (See attached continuation page for itemization):

- (1) ☐ Common area maintenance charges
- (2) ☐ Property taxes
- (3) ☐ For additional obligations, see attached continuation page.

(Continued on next page)

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In re RALPH YULFO, JR. AND DENISE L. YULFO Debtor(s).	(SHORT TITLE) CHAPTER: 13 CASE NO.: 10-11764
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6. Debtor(s)' bankruptcy petition in this case was filed on (specify date): 5/11/10
7. Procedural status (indicate all that apply, and provide dates for completed steps):
- a. ☐ Movant caused a Notice to Quit to be served upon the Debtor(s) on (specify date):
A true and correct copy of which is attached hereto as Exhibit _____
 - b. ☐ Before the filing of the petition, Movant had commenced an unlawful detainer proceeding in state court and completed the following:
 - (1) ☐ Movant filed a Complaint for Unlawful Detainer against the Debtor(s) on (specify date): _____, a true and correct copy of which is attached as Exhibit _____.
 - (2) ☐ Trial was held on (specify date): _____.
 - (3) ☐ An Unlawful Detainer Judgment against the Debtor(s) was entered on the Complaint for Unlawful Detainer on (specify date): _____, a true and correct copy of which is attached as Exhibit D _____.
 - (4) ☐ A Writ of Possession for the Property was issued by the state court on (specify date): _____, a true and correct copy of which is attached as Exhibit _____.
 - (5) ☐ The Debtor has not filed with the petition and served on the Movant the certification required under 11 U.S.C. § 362(l)(1).
 - (6) ☐ The Debtor or adult dependent of Debtor has not deposited with the Clerk any rent that would become due during the 30-day period after the filing of the petition.
 - (7) ☐ The debtor or adult dependent of debtor has not filed and served on the Movant the further certification required under 11 U.S.C. § 362(l)(2) that the entire monetary default that gave rise to the judgment has been cured.
 - (8) ☐ Movant has filed and served an objection to Debtor's certification referenced in paragraph (5) and/or (7) above, a copy of which is attached hereto as Exhibit _____. A hearing on this objection is set for: _____.
 - (9) ☐ An eviction action has been filed to obtain possession of the Property on grounds of endangerment of the Property or because of illegal use of controlled substances on the Property and Movant has filed a certification that ☐ such action was filed or ☐ that Debtor has endangered the subject property within 30 days preceding the certification or allowed the illegal use of controlled substances on the Property. A copy of Movant's certification is attached hereto as Exhibit _____. Debtor ☐ has ☐ has not filed an objection to Movant's certification. A copy of Debtor's objection, if filed, is attached hereto as Exhibit _____. A hearing on this objection is set for: _____.
 - c. ☐ The lease was rejected on _____ (date):
 - (1) ☐ by operation of law.
 - (2) ☐ by Order of the Court.
 - d. ☐ The regular lease payments have not been made since the filing of the petition.
8. ☒ Debtor(s) has/have no equity in the Property because Debtor(s) does/do not have a lease interest that could be assumed or assigned under 11 U.S.C. § 365.
9. ☒ The Property is not necessary to an effective reorganization because (specify):
- a. ☒ The Property is residential and is not producing income for the Debtor(s).
 - b. ☐ The Property is commercial, but no reorganization is reasonably in prospect.
 - c. ☐ Other (specify): _____

(Continued on next page)

In re RALPH YULFO, JR. AND DENISE L. YULFO (SHORT TITLE) Debtor(s).	CHAPTER: 13 CASE NO.: 10-11764
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10. ☐ The bankruptcy case was filed in bad faith to delay, hinder or defraud Movant.
- a. ☐ Movant is the only creditor or one of very few creditors listed on the master mailing matrix.
- b. ☐ Other bankruptcy cases have been filed asserting an interest in the same property.
- c. ☐ The Debtor(s) filed what is commonly referred to as a "face sheet" filing of only a few pages consisting of the Petition and a few other documents. No Schedules or Statement of Affairs (or Chapter 13 Plan, if appropriate) has been filed.
- d. ☐ Other (specify):
11. ☐ Other bankruptcy cases that have prevented Movant from recovering possession of this Property include the following:
- a. Case Name:
 Case Number: Chapter:
 Date Filed: Date Dismissed:
 Relief from stay re this Property ☐ was ☐ was not granted.
- b. Case Name:
 Case Number: Chapter:
 Date Filed: Date Dismissed:
 Relief from stay re this Property ☐ was ☐ was not granted.
- c. ☐ See attached continuation page for more information about other cases.
12. ☐ Movant seeks annulment of the automatic stay so that the filing of the bankruptcy petition does not affect any and all of the actions set forth in paragraph 7 that were taken after the filing of the bankruptcy petition in this case.
- a. ☐ These actions were taken by Movant without knowledge of the bankruptcy filing, and Movant would have been entitled to relief from stay to proceed with these actions.
- b. ☐ Although Movant knew about the bankruptcy filing, Movant had previously obtained relief from stay to proceed with these enforcement actions in prior bankruptcy cases affecting this Property as set forth in paragraph 11 above.
- c. ☐ For other facts justifying annulment, see attached continuation page.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed on May 25, 2010, at ENCINO, CA (city, state).

MICHAEL D. ZEFF, ESQ.

Print Declarant's Name

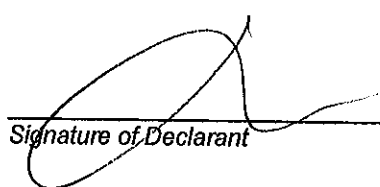

 Signature of Declarant

EXHIBIT A

RECORDING REQUESTED BY:
Executive Trustee Services, LLC

AND WHEN RECORDED MAIL TO:
BARCLAYS CAPITAL REAL ESTATE INC., DBA
HOMEQ SERVICING
4837 Watt Ave, Suite 100
MC: CA3501
North Highlands CA 95860

Forward Tax Statements to
the address given above

THIS IS TO CERTIFY THAT THIS IS A FULL,
 TRUE AND CORRECT COPY OF THE ORIGINAL
 RECORDED IN THE OFFICE OF THE COUNTY

RECORDING FEE: **\$16.00**

RECORDED ON: **May 10, 2010**

AS DOCUMENT NO: **10-38804**

BY: **s/ Karen Mocerino**
 LSI TITLE COMPANY (CA)

COPY

TS # FD-203928-C
LOAN # 0326077674
TITLE ORDER # 090428120-CA-GSI

SPACE ABOVE LINE FOR RECORDER'S USE

INVESTOR #:

TRUSTEE'S DEED UPON SALE

APN 036-480-009

TRANSFER TAX: \$00.00

"THIS TRANSACTION IS EXEMPT FROM THE REQUIREMENTS OF THE REVENUE AND TAXATION CODE, SECTION 480.3"

The Grantee Herein Was The Foreclosing Beneficiary.

The Amount Of The Unpaid Debt was \$379,835.66

The Amount Paid By The Grantee Was \$200,665.38

Said Property Is In The City Of SANTA ROSA, County of Sonoma

**"This instrument is being recorded as an
 ACCOMMODATION ONLY, with no
 Representation as to its effect upon title"**

Executive Trustee Services, LLC dba ETS Services, LLC, as Trustee, (whereas so designated in the Deed of Trust hereunder

more particularly described or as duly appointed Trustee) does hereby GRANT and CONVEY to

Deutsche Bank National Trust Company, as Trustee under Pooling and Servicing Agreement dated as of March 1, 2007 Securitized Asset-Backed Receivables LLC Trust 2007-BR1 Mortgage Pass-Through Certificates, Series 2007-BR1

(herein called Grantee) but without covenant or warranty, expressed or implied, all right title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the county of Sonoma, State of California, described as follows:

LOT 9, AS SHOWN UPON THE MAP ENTITLED, "VINEYARD MEADOWS", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SONOMA COUNTY ON MAY 6, 1983 IN BOOK 345 OF MAP AT PAGES 39 AND 40, SONOMA COUNTY RECORDS.

This conveyance is made in compliance with the terms and provisions of the Deed of Trust executed by DENISE YULFO AND RALPH YULFO, WIFE AND HUSBAND, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP as Trustor, dated 11/20/2006 of the Official Records in the office of the Recorder of Sonoma, California under the authority and powers vested in the Trustee designated in the Deed of Trust or as the duly appointed Trustee, default having occurred under the Deed of Trust pursuant to the Notice of Default and Election to Sell under the Deed of Trust recorded on 11/28/2006, instrument number 2006148608 (or Book, Page) of Official records. Trustee having complied with all applicable statutory requirements of the State of California and performed all duties required by the Deed of Trust including sending a Notice of Default and Election to Sell within ten days after its recording and a Notice of Sale at least twenty days prior to the Sale Date by certified mail, postage pre-paid to each person entitled to notice in compliance with California Civil Code 2924b.

[Page 1 of 2]

JAN: Jessica

TRUSTEE'S DEED UPON SALE

Trustee's Deed
 T.S.# FD-203928-C
 Loan # 0326077674
 Title Order # 090428120-CA-GSI

COPY
 All requirements per California Statutes regarding the mailing, personal delivery and publication of copies of Notice of Default and Election to Sell under Deed of Trust and Notice of Trustee's Sale, and the posting of copies of Notice of Trustee's Sale have been complied with. Trustee, in compliance with said Notice of Trustee's sale and in exercise of its powers under said Deed of Trust sold said real property at public auction on 5/3/2010. Grantee, being the highest bidder at said sale became the purchaser of said property for the amount bid, being \$200,886.38; in lawful money of the United States, in pro per, receipt there of is hereby acknowledged in full/partial satisfaction of the debt secured by said Deed of Trust.

In witness thereof, **Executive Trustee Services, LLC dba ETS Services, LLC**, as Trustee, has this day, caused its name

to be hereunto affixed by its officer thereunto duly authorized by its corporation by-laws

Date: 5/4/2010

LLC

Executive Trustee Services, LLC dba ETS Services,

By: 
 Max A. Garcia, Limited Signing Officer

State of California } S.S.
 County of Los Angeles }

On 5/4/2010 before me, **Eliza Michelle Meza** Notary Public, personally appeared **Max A. Garcia** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

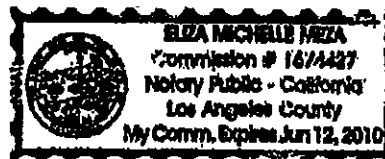
I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

Eliza Michelle Meza

(Seal)



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